

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00915-TSC

TOSH, et al. v. UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, et al.

Assigned to: Judge Tanya S. Chutkan

Cases: 1:18-cv-02538-TSC
1:18-cv-00949-TNM

Cause: 05:552 Freedom of Information Act

Plaintiff

ERNEST C. TOSH

Date Filed: 04/18/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

represented by **Burt Alan Braverman**
DAVIS WRIGHT TREMAINE
1919 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20006
(202) 973-4210
Fax: (202) 973-4410
Email: burtbraverman@dwt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick John Curran , Jr.
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20006
(202) 973-4277
Fax: (202) 973-4499
Email: patcurran@dwt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

DAVID T. MARKS

represented by **Burt Alan Braverman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick John Curran , Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES

represented by **Christopher Charles Hair**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2541
Fax: (202) 252-2599
Email: christopher.hair@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damon William Taaffe

U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2544
Fax: (202) 252-2599
Email: damon.taaffe@usdoj.gov
TERMINATED: 02/15/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

represented by **Christopher Charles Hair**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damon William Taaffe
(See above for address)
TERMINATED: 02/15/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/18/2018	<u>1</u>	COMPLAINT against Ernest C. Tosh, David T. Marks (Filing fee \$ 400 receipt number 0090-5429115) filed by Ernest C. Tosh, David T. Marks. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Civil Cover Sheet)(Curran, Patrick) (Entered: 04/18/2018)
04/20/2018	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint, filed by Ernest C. Tosh, David T. Marks. Related document: <u>1</u> Complaint, filed by Ernest C. Tosh, David T. Marks.(Curran, Patrick) (Entered: 04/20/2018)
04/23/2018	<u>3</u>	NOTICE of Appearance by Patrick John Curran, Jr on behalf of DAVID T. MARKS, ERNEST C. TOSH (Curran, Patrick) (Entered: 04/23/2018)
04/24/2018		Case Assigned to Judge Tanya S. Chutkan. (zsb) (Entered: 04/24/2018)
04/24/2018	<u>4</u>	SUMMONS (4) Issued Electronically as to UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 04/24/2018)
05/02/2018	<u>5</u>	ENTERED IN ERROR. . . .NOTICE OF RELATED CASE by DAVID T. MARKS, ERNEST C. TOSH. Case related to Case No. 1:18-cv-000949. (Curran, Patrick) Modified on 5/2/2018 (ztd). (Entered: 05/02/2018)
05/02/2018		NOTICE OF ERROR re <u>5</u> Notice of Related Case; emailed to patcurran@dwt.com, cc'd 2 associated attorneys --- The PDF file you docketed contained errors: 1. Please refile document, 2. Please see LCvR 5.1(a) Correspondence and 5.1(d) Form of Documents. (ztd,) (Entered: 05/02/2018)
05/02/2018	<u>6</u>	NOTICE OF RELATED CASE by DAVID T. MARKS, ERNEST C. TOSH. Case related to Case No. 1:18-cv-000949. (Curran, Patrick) (Entered: 05/02/2018)
05/07/2018	<u>7</u>	NOTICE of Appearance by Damon William Taaffe on behalf of All Defendants (Taaffe, Damon) (Entered: 05/07/2018)
05/09/2018	<u>8</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service Upon District of Columbia Attorney General 4/27/2018. Answer due for ALL D.C. DEFENDANTS by 5/18/2018. (Attachments: # <u>1</u> Exhibit A)(Curran, Patrick) Modified on 5/10/2018 (zrdj). (Entered: 05/09/2018)

05/09/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 5/7/2018 (Attachments: # <u>1</u> Exhibit A)(Curran, Patrick) (Entered: 05/09/2018)
05/09/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 04/27/2018. (Attachments: # <u>1</u> Exhibit A)(Curran, Patrick) (Entered: 05/09/2018)
05/09/2018	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES served on 4/26/2018 (Attachments: # <u>1</u> Exhibit A)(Curran, Patrick) (Entered: 05/09/2018)
05/10/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>8</u> Summons Returned Executed as to DC Attorney General, was entered in error at the request of counsel. (zrdj) (Entered: 05/10/2018)
05/10/2018	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/27/2018. Answer due for ALL FEDERAL DEFENDANTS by 5/27/2018. (Attachments: # <u>1</u> Exhibit A)(Curran, Patrick) (Entered: 05/10/2018)
05/24/2018	<u>13</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Taaffe, Damon) (Entered: 05/24/2018)
05/25/2018	<u>14</u>	ERRATA <i>Notifying Court of Plaintiff's Consent to Motion</i> by UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES <u>13</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Taaffe, Damon) (Entered: 05/25/2018)
05/25/2018		MINUTE ORDER: Granting <u>13</u> Motion for Extension of Time to Answer. Defendants shall answer or otherwise respond to the complaint by June 11, 2018. Going forward, a party shall confer, as required by Local Civil Rule 7(m), at least 48 hours prior to filing a non dispositive motion. Signed by Judge Tanya S. Chutkan on 5/25/18. (DJS) (Entered: 05/25/2018)
05/25/2018		Set/Reset Deadlines: Answer due by 6/11/2018. (tb) (Entered: 05/25/2018)
06/11/2018	<u>15</u>	MOTION to Sever by UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Taaffe, Damon) (Entered: 06/11/2018)
06/20/2018	<u>16</u>	RESPONSE re <u>15</u> MOTION to Sever filed by DAVID T. MARKS, ERNEST C. TOSH. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Affidavit)(Curran, Patrick) (Entered: 06/20/2018)
08/22/2018	<u>17</u>	Joint STATUS REPORT by UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Taaffe, Damon) (Entered: 08/22/2018)
08/24/2018		MINUTE ORDER: Having considered the parties' joint status report, it is hereby ordered that the parties shall file another joint report and proposed order by September 21, 2018. Signed by Judge Tanya S. Chutkan on 8/24/18. (DJS) (Entered: 08/24/2018)
08/24/2018		Set/Reset Deadlines: Joint Status Report and Proposed Order are due by 9/21/2018. (jth) (Entered: 08/26/2018)
09/21/2018	<u>18</u>	Joint STATUS REPORT by DAVID T. MARKS, ERNEST C. TOSH. (Attachments: # <u>1</u> Text of Proposed Order)(Curran, Patrick) (Entered: 09/21/2018)
10/06/2018		MINUTE ORDER: Having considered the parties' joint status report <u>18</u> it is hereby ordered that the parties shall file another joint report by November 20, 2018, and every 60 days thereafter. To the extent the parties are unable to agree on how to proceed or to the extent the parties propose a briefing schedule, the joint status shall also include a proposed order. Signed by Judge Tanya S. Chutkan on 10/3/18. (DJS) (Entered:

		10/06/2018)
10/11/2018		Set/Reset Deadlines: Joint Status Report due by 11/20/2018. (tb) (Entered: 10/11/2018)
10/19/2018		MINUTE ORDER: Defendants' June 11, 2018 unopposed motion <u>15</u> to sever is hereby GRANTED. Plaintiff David Marks shall file and serve a separate complaint, which shall be identified as related to the instant action, on or before November 2, 2018. Signed by Judge Tanya S. Chutkan on 10/19/18. (lctsc1) (Entered: 10/19/2018)
10/22/2018		Set/Reset Deadlines: Plaintiff Marks shall file and serve a separate complaint by 11/2/2018. (tb) (Entered: 10/22/2018)
11/20/2018	<u>19</u>	Joint STATUS REPORT by ERNEST C. TOSH. (Curran, Patrick) (Entered: 11/20/2018)
01/18/2019	<u>20</u>	Joint STATUS REPORT by ERNEST C. TOSH. (Attachments: # <u>1</u> Text of Proposed Order)(Curran, Patrick) (Entered: 01/18/2019)
01/24/2019		NOTICE OF ERROR re <u>20</u> Status Report; emailed to patcurran@dwt.com, cc'd 4 associated attorneys -- The PDF file you docketed contained errors: 1. Invalid attorney signature, 2. DO NOT REFILE – Signature should match login/password (zjf,) (Entered: 01/24/2019)
02/15/2019	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Christopher Charles Hair on behalf of All Defendants (Hair, Christopher) (Entered: 02/15/2019)